

Calendar No. 7

82D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 6

JOHN E. TURRI AND EDWARD H. TURRI

JANUARY 17 (legislative day, JANUARY 8), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 44]

The Committee on the Judiciary, to which was referred the bill (S. 44) for the relief of John E. Turri and Edward H. Turri, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to preserve for John E. Turri and Edward H. Turri their United States citizenship, notwithstanding any period of residence outside of the United States, provided that they return to the United States for permanent residence within one year following the effective date of the act.

STATEMENT OF FACTS

The beneficiaries of the bill are brothers and were born in Florence, Italy, on May 7, 1912, and March 30, 1914, respectively. In 1943, while serving in the United States Army, they became United States citizens and have received honorable discharges from such service. Their mother was a native-born citizen of the United States, and their father was an Italian national. The family owns considerable property, both real and personal, in Italy and the brothers returned to Italy after the war to help settle matters in connection with the family estate. The sons have been appointed a committee for their mother, who is now in a White Plains, N. Y., hospital undergoing treatment. It is stated that their purpose in remaining in Italy is to conclude and settle their father's estate, put in order the properties of the mother,

and to press, through the American Embassy, damage claims arising from the recent war. Edward Turri is a lawyer and John Turri is an architect.

A letter dated October 30, 1950, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General, with reference to a bill which was introduced in the Eighty-first Congress for the relief of the same aliens, reads as follows:

DEPARTMENT OF JUSTICE,
Washington, October 30, 1950.

Hon. Pat McCARRAN,

*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 3940) for the relief of John E. Turri and Edward H. Turri.

The bill would provide that, notwithstanding the provisions of subsections (b) and (c) of section 404 of the Nationality Act of 1940, John E. Turri and Edward H. Turri, honorably discharged United States citizen veterans of World War II, shall be considered to have retained their United States citizenship regardless of any period of residence outside of the United States, provided that they return to the United States for permanent residence within 1 year following the effective date of the bill.

The files of the Immigration and Naturalization Service of this Department disclose that the brothers, John E. and Edward H. Turri, are natives of Italy, having been born in Florence on May 7, 1912 and March 30, 1914, respectively. They both served with the Armed Forces of the United States for approximately 3 years, after which they were honorably discharged. In 1943, while serving in the Army they were naturalized as citizens of the United States. They divested themselves of such citizenship, pursuant to section 404 (b) of the Nationality Act of 1940 by returning to Italy, the place of their birth and residing there continuously for 3 years. They stated it was not their intention to forfeit their American citizenship.

Their mother, Mary Putman Everetts Turri, a native-born citizen of the United States was naturalized in 1938, after having lost her prior citizenship. Their father, Dr. Luigi Guilio Turri was an Italian national. The file indicates that their mother owns considerable property in the United States, while the father had inherited a vast villa and other valuable property, both real and personal, in Italy and that the family apparently divided their residence between these two countries. Both sons were educated in Italy and Switzerland, Edward completed his education in law at Harvard University and Boston University, and practiced his profession as an attorney connected with a lawbook publication company, until he returned to Italy. John is an architect. Apparently, their longest continuous period of residence in this country was from 1937 through 1946. After the father's death in New York, and the cessation of hostilities of World War II, Mrs. Turri returned to her home in Florence, Italy.

The files further reflect that in early January of 1947, Edward H. Turri went to Florence, Italy, for the purpose, according to his statement, of caring for his mother, who was desperately ill, and his brother, John E. Turri, joined him shortly thereafter to help settle private matters connected with the vast family estate, both real and personal. They remained in Italy 3 years, until they brought their mother, who had been declared incompetent, to this country and placed her in a White Plains, N. Y., hospital for treatment. The sons were appointed, under Italian law, the committee for their mother during her incompetency. Subsequently, they returned to Italy, where, it is alleged, they must conclude the affairs of their father's estate, put in order the properties of the mother, and file through the American Embassy damage claims arising from the recent war.

It is believed that there are many former United States citizens in Italy and other countries, veterans of World War II, their wives, minor children, and dependent parents, who have also lost their United States citizenship pursuant to section 404 (b) of the Nationality Act of 1940, and consequently are unable to return to this country without an immigration visa. The problem of preserving the nationality of such naturalized citizens is a general one and should be resolved by general legislation. There are no considerations presented in the instant case

to warrant granting the beneficiaries of the bill special consideration by exempting them from the general provisions of our immigration and naturalization laws.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Pat McCarran, the author of the bill, has submitted the following information in connection with the bill:

[Translation]

FLORENCE, ITALY, January 5, 1949.

Mr. EDWARD H. TURRI,
Villa Salvati, Florence;

Complying with your request, I herewith confirm that I consider it advisable for you to write to the mayor of Florence telling him of your firm resolve not to establish here your permanent abode and consequently not to reside in the county of Florence.

In addition to the above unequivocal declaration, that expresses your intentions, your intention not to take up residence here is apparent from undisputed facts such as:

(a) Your trip to Italy was made on account of the illness of Mrs. Turri and with no intention of making Florence your place of business.

(b) Your stay here was necessary for reasons of a temporary nature which would not oblige you to change your professional activity or to transfer to Florence your law practice started in America. On several occasions, you have told me that you intended to continue your practice where you started it, i. e., in the United States. Of course, you would be debarred from doing so here, also in view of the laws which govern the law practice in Italy.

(c) The fact that you intentionally refrained from participating in any political activities, and particularly that you did not vote in the elections.

(d) Also, the necessity of your returning soon to the United States to take all necessary steps to safeguard the property of your mother and in reference to her guardianship.

From the above-mentioned facts and from others which we reviewed and which, even if apparently less important, still prove conclusively your firm intention to maintain in the United States your place of business and your general place of abode or residence and domicile, it seems to me your right to maintain your status and your American citizenship cannot be challenged.

With best wishes, I am,

Yours truly,

LORENZO CAVINI.

STATE OF NEW YORK,
County of New York, ss:

On this 5th day of May 1950, before me came John E. Turri, to me known and who did depose and say that the above is an exact translation of the annexed Italian original document.

[SEAL]

ARLINE G. GIVEN,
Notary Public, State of New York.

Term expires March 30, 1952.

THE LAWYERS CO-OPERATIVE PUBLISHING CO.,
Rochester, N. Y., April 7, 1950.

Mr. EDWARD H. TURRI,
Rochester, N. Y.

DEAR MR. TURRI: We were very pleased to have you visit us here in Rochester yesterday and today and to have the opportunity to discuss with you the question of your continuance as a member of our editorial staff here in Rochester as soon as you can finally wind up your affairs in Italy.

After discussion with Mr. Kimbrough (who is now in direct charge of editorial work in ALR) of the further extension of your leave of absence, we both agreed to give you a further extension of your leave until January 1st, 1951; but we do not feel we can extend leave beyond this time.

As I explained to you here, we are making an all-out effort to bring in and train additional men for our editorial staff; so far we are getting in new men just about as fast as we can train them for this work and it is reasonably certain that by the time 1951 rolls around we will have our staff fully manned and be in a position to start work all along the line on our expanded editorial program.

Hence, we do not feel that in justice to ourselves we can extend your leave of absence beyond this year. We sincerely hope that you will be back on the job by next January 1 or before that time.

Wishing you the best of luck and a speedy settlement of your foreign affairs, I remain

Sincerely,

GEORGE S. GULICK,
Editor in Chief.

STATE OF NEW YORK,
County of Monroe, ss:

The affiant, Robert T. Kimbrough, a citizen and resident of the county and State aforesaid, states that he is and for several years has been managing editor of the Lawyers Cooperative Publishing Co., a New York corporation engaged in the preparation and publication of law books in Rochester, Monroe County, N. Y.; that the affiant has been personally acquainted with Edward H. Turri since January 1946, between which date and January 1947, the said Turri was employed by the said company as editor and was engaged in legal research, legal writing, and other legal editorial work; that in January 1947 the said Edward H. Turri obtained a leave of absence from the said company for the purpose of visiting his sick mother in Italy and of giving personal attention to certain matters relating to the estate of his deceased father in that country; that at the time of his leaving and throughout his absence, it was the understanding between us that his stay in Italy was temporary and that as soon as the pressure of that business permitted he would return to his employment with the said company in Rochester, and that it is the understanding between the affiant and the said Turri at this time that within a short time, and as soon as he has attended to certain personal matters elsewhere, he will resume his editorial work with said company and will continue to reside in Rochester; and that it has been and is the understanding and belief of this affiant that the said Turri's home and place of residence is, and since January 1946 has been, in the city of Rochester, N. Y.

ROBERT T. KIMBROUGH.

Subscribed and sworn to before me by the above named, Robert T. Kimbrough this 27th day of April 1950.

[SEAL]

J. VINCENT DEMPSEY,
Notary Public, State of New York.

My commission expires March 30, 1952.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 44) should be enacted.

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